

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY BRUCE MATHEWS,

Defendant.

ORDER

08-cr-106-bbc

At an October 29, 2008 ex parte hearing, I granted defendant Johnny Mathew's October 20, 2008 request for a new attorney (dkt. 45) and granted Attorney David Mandel's October 21, 2008 mirror-image motion to withdraw (dkt. 42). The remainder of the calendar in this case is stricken. The Federal Defender is directed to appoint attorney No. 3 to represent Mathews in this case. The court then will hold a telephonic scheduling conference with counsel.

I warned Mathews that if he turns against and shuns his third attorney like he did with Attorneys Mandel and Kelly Welsh, then the court would deem this a constructive waiver of counsel and would require him to proceed pro se. This is a result the court very much wishes to avoid in a drug trafficking case charging 50+ grams of crack and a § 851 penalty enhancer.

Mathews, a garrulous jailhouse lawyer, genuinely believes that he has been victimized by every actor at every level in the investigation and prosecution of this case; as far as he's concerned, the truth is out there and it's ugly, but nobody listens and nobody cares. Mathews is intelligent but obstinate, so it is pointless to attempt to convince him otherwise. At this juncture all the court can say is that it is pointless to throw additional attorneys at this case if Mathews is just going to reject them when they question or fail to support completely his debatable views as to what actually happened and why. Because Mathews views this court as

part of the problem, I may be talking to myself, but I am hopeful that Mathews is perceptive enough to realize that however disgusted he may be with the system, given what's at stake here, he still is better off with an attorney than without one.

Entered this 29th day of October, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge